**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.2143 OF 2006**

Satish Maruti Deshmukh. .. Petitioner .

vs.

Dipali Dilip Khane

& Ors. . .. Respondents.

Mr. Vilas Mali for petitioner .

Smt. Deepa Sawant i/by C.G. Gavnekar

for Respondent No. 2.

Mr. S.K. Chinchalikar, AGP., for State.

**CORAM : A.P. DESHPANDE, J.**

**DATE : 10th November, 2006.**

P.C.

. The petitioner was elected as Upa-Sarpancha of Group Grampachayat Rasal. The members of the village panchayat served a notice of no confidence on the Tehsildar and the Tehsildar in turn convened a meeting for consideration of the motion of no confidence. The motion is carried by the requisite majority. Aggrieved by the same, a dispute is filed by the petitioner before the Collector contending that the petitioner was denied an opportunity (i) to speak in the meeting, (ii) that the notice served on

the Tehsildar is not legal and (iii) that the grounds on which no confidence motion was passed are not sustainable in law. The Collector rejected the dispute holding that the no confidence motion was legally passed. Aggrieved by the order passed by the Collector, an appeal was carried to the Commissioner and on rejection of the appeal, the present writ petition has ben filed.

2. The three grounds referred to hereinabove are pressed in service in this writ petition. What is to be noted is that the petitioner was not present in the meeting as according to him he was ill. If the petitioner could not attend the meeting, there is no question of denial of a right to speak at the meeting. Hence, there is no merit in the first submission. The notice served on the Tehsildar is very much legal and proper. The members moving the motion of no confidence are not under an obligation to establish the correctness of the grounds on which the motion is moved. Hence, no interference with the orders under challenge is called for. Even otherwise, during the pendency of this petition fresh election has been held and a different person is elected. In the result, the writ petition is summarily dismissed.

**(A.P. Deshpande, J.)**